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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,394	03/31/2004	Shyng Duan Chen	33851/41978	5818

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EXAMINER

LE, DINH THANH

ART UNIT	PAPER NUMBER
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2816

DATE MAILED: 05/09/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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Office Action Summary	Application No. 10/813,394	Applicant(s) SHYNG DUAN CHEN	
	Examiner DINH T. LE	Art Unit 2816	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/31/04</u> . | 6) <input type="checkbox"/> Other: ____ |

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DETAILED ACTION

Specification

The specification has been checked to the extent necessary to determine the presence of all possible minor errors. However, the applicant's cooperation is requested in correcting any errors of which applicant may become aware in the specification.

Claim Rejections

Claim Rejections - 35 USC § 112

Claims 1- 26 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Correction or clarification is required.

In claim 1, the recitation “the master circuit” on line 5, “the phase difference” on line 6, “the number” on line 7, “the error correction signals” and “the transmission” on line 8, and “the duration” and “the correction signal” on line 12 lacks clear antecedent basis. It is unclear where the “master circuit” comes from, what the “comparing cycles, “frequency of a predetermined number” on line 9 and “irregular reference signals” on line 13 are, how the first window signal can be “provided” for the transmission of the error correction signals. The description of the present invention is incomplete because the “first window circuit” and “second window circuit” are not connected to anything. Thus, the claimed windows circuits may not perform the recited function. The same is true for claims 12 and 23-26.

In claim 3, it is unclear how the recitation “delayed path”, “non-delayed path” and “first logic circuit” is read on the preferred embodiment. Insofar as understood, no such limitation is seen on the drawings. Also, the recitation “the respective signal” on line 3 and “the delayed and the generally non-delayed signals” on line 4 lacks clear antecedent basis. The same is true for claims 7, 14 and 18.

In claim 4, the recitation “the delayed paths” and “the delayed oscillator signal” lacks clear antecedent basis. It is unclear where the delayed oscillator signal comes from. Also, it is not understood how the delayed oscillator signal and reference signal can be for “compared”. The same is true for claim 15.

In claim 5, the recitation “the error correction signals” lacks clear antecedent basis. The same is true for claims 8, 10, 16, 19 and 21, and for reciting “the delayed paths” in claims 6 and 17.

In claim 11, the recitation “the predetermined number” lacks clear antecedent basis. The description of the present invention is incomplete because the “rate selector” is not connected to anything. Thus, the claimed rate selector may not perform function. The same is true for claim 22.

The remaining claims are dependent from the above claims and therefore also considered indefinite.

Allowable Subject Matter

Claims 1-26 would be allowable if rewritten to overcome the rejection(s)

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under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.


The claim are allowed because the prior art of record does not show that the second windows narrows the first window signal to limit duration of the error correction signal for irregular reference signals responsive to at least the oscillator signal as combined in claims 1, 12 and 24-26.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DINH T. LE whose telephone number is (571) 272-1745. The examiner can normally be reached on Monday-Friday (8AM-7PM)..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, TIMOTHY CALLAHAN can be reached at (571) 272-1740.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


DINH T. LE
PRIMARY EXAMINER